

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2004-1214-011-025

vs.

Mark Jablonski, LPN, Lic. No. 025502
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated February 18, 2005 and March 2, 2005. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Mark Jablonski (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On March 2, 2005, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated March 2, 2005, scheduling a hearing for March 16, 2005. Dept. Exh. 1. The Board later issued a Notice of Rescheduled Hearing dated March 16, 2005, scheduling a hearing for April 6, 2005. Board Exh. A.

Respondent was provided notice of the hearing and charges against him. The Summary Suspension Order and Statement of Charges were served on respondent by State Marshall on March 25, 2005. Dept. Exh. 2.

The hearing took place on April 6th, 2005, at the Hartford Hospital Newington Campus, Curtis Building-Amphitheater, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr. April 6, 2005, p. 2.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued licensed practical nurse license number 025502 on June 17, 2004. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh 3B.
2. On or about November 4, 2004, respondent was arrested for shoplifting. While he was being booked at police headquarters, he was found to be in possession of cocaine. Dept. Exh.1; Dept. Exh. 3A.
3. On or about November 4, 2004 respondent was charged with Larceny 6th Degree (C.G.S. § 53a-125b) and Possession of Cocaine (C.G.S. § 21-279c). Dept. Exh. 1; Dept. Exh. 3A.
4. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-99(b), including but not limited to § 20-99(b)(2).

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Mark Jablonski held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 1 of the Statement of Charges alleges that Mark Jablonski of Milford is, and has at all times referenced, the holder of Connecticut licensed practical nurse license number 025502. Dept. Exh. 1.

PARAGRAPH 2 of the Statement of Charges alleges that on or about November 4, 2004 respondent was arrested for shoplifting, and while he was being booked at police headquarters, he was found to be in possession of cocaine. Dept. Exh. 1; Dept. Exh. 3.

PARAGRAPH 3 of the Statement of Charges alleges that on or about November 4, 2004 respondent was charged with Larceny 6th Degree (C.G.S. § 53a-125b) and Possession of Cocaine (C.G.S. § 21-279c). Dept. Exh. 1; Dept. Exh. 3.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations in the First Count of the Statement of Charges to be admitted.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2 and 3 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(2), and 19a-17.

Order

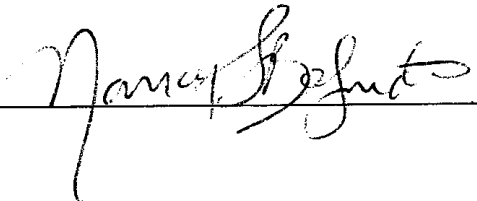
Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 2 and 3 of the Statement of Charges, respondent's licensed practical nurse license, number 025502, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Mark Jablonski, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 20th day of July 2005.

BOARD OF EXAMINERS FOR NURSING

By  _____